

COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

ENMA N. RIVAS D/B/A BURKE FAMILY HOME DAYCARE, INC., SP 2014-BR-155 Appl. under Sect(s). 8-305 and 3-803 of the Zoning Ordinance to permit a home child care facility. Located at 5657 Chelmsford Ct., Burke, 22015, on approx. 1,650 sq. ft. of land zoned R-8. Braddock District. Tax Map 78-1 ((18)) 86. Mr. Byers moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 18, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the property.
2. Zoning is R-8.
3. The lot area is 1,650 square feet.
4. The applicant indicated that she has read, understood, and concurs with the development conditions, including the added condition.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

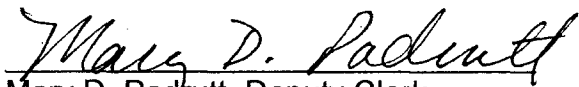
1. This approval is granted to the applicant, Emma Rivas, only, and is not transferable without further action of the Board, and is for the location indicated on the application, 5657 Chelmsford Ct., and is not transferable to other land.
2. This special permit is granted only for the home child care use indicated on the plat entitled, "House Location Survey, Lot 86, Section Two, Crownleigh," prepared by Sam Whitson, L.S., on June 17, 2003, as revised by Emma Rivas through July 25, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

4. The hours of operation of the home child care facility shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the applicant's own children, the maximum number of children on site at any one time shall be twelve.
7. A maximum of two nonresident employees, whether paid or not for their services, may be involved in the home child care facility.
8. There shall be no signage associated with the home child care facility.
9. The approval of this use is contingent on the applicant's continued right to utilize community parking spaces or other common amenities necessary for the operation of the home child care facility, including the ability to make the reserved parking spaces available for drop off and pick up of children during hours of operation.
10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
11. The basement nursery room shall not be used for napping or sleeping.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards. Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall take effect upon adoption of a resolution of approval by the Board of Zoning Appeals.

Mr. Hart seconded the motion, which carried by a vote of 5-0. Mr. Beard and Mr. Smith were absent from the meeting.

A Copy Teste:



Mary D. Padrutt, Deputy Clerk
Board of Zoning Appeals